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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 MODESTO ORTEGA, an individual,  
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Plaintiff,  
vs.  
WELLS FARGO BANK, a California  
corporation; PRIMARY FINANCIAL  
SERVICES, LLC; FIRST AMERICAN  
LOANSTAR TRUSTEE SERVICES; and  
DOES 1 through 20,  
Defendants.

CASE NO. 09 CV 1531 JM (NLS)


**ORDER DENYING MOTION TO  
DISMISS AS MOOT**

Doc. No. 7

Pending before the court is Defendant Wells Fargo Bank's motion to dismiss. (Doc. No. 7).  
On December 2, 2009, however, Plaintiff filed a first amended complaint pursuant to Federal Rule of  
Civil Procedure 15(a). Therefore, the court hereby DENIES AS MOOT Defendant's motion to  
dismiss.

**IT IS SO ORDERED.**

DATED: December 9, 2009

  
Hon. Jeffrey T. Miller  
United States District Judge